BOMBAY ACT No. IV OF 1887.[1]

[THE BOMBAY PREVENTION OF GAMBLING ACT, 1887.]

[*5th January, 1888.*]

Repealed in part, by Act 16 of 1895.

Amended by Bom. 1 of 1890 ;
" " " 1 of 1910 ;
" " " 6 of 1919 ;
" " " 5 of 1922 ;
" " " 5 of 1926 ;
" " " 14 of 1929 ;
" " " 3 of 1931 ;
" " " 12 of 1934 ;
" " " 1 of 1936.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 2 of 1941.*
" " " 17 of 1945.†
" " " 37 of 1947.
" " " 60 of 1954.

An Act to consolidate and amend the law for the prevention of Gambling in the Presidency of Bombay.

WHEREAS it is expedient to consolidate and amend the law for the prevention of gambling in the Presidency of Bombay ; It is enacted as follows :— **Preamble.**

1. This Act may be cited as the Bombay Prevention of Gambling Act, 1887. **Short title.**

It extends to the City of Bombay, to the Island of Salsette, to all [2][railways and] railway station houses without the said city and island, and to all places not more than three miles distant from any part of such station houses, respectively, and all or any of its provisions may be [3]extended from time to time by the [4][[5][State] Government], by an order published in the [6][Official Gazette], to any local area in the Presidency of Bombay. **Extent.**

The [4][[5][State] Government] may from time to time, by an order published as aforesaid, cancel or vary any order made by [7][it] under this section.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1887. Pt. IV, p. 12 ; for Report of the Select Committee, *see ibid.*, p. 239; and for Proceedings in Council, *see ibid.*, pp. 215 and 244.

[2] These words were inserted by Schedule I, Part II, Serial No. 13 of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

[3] For notification extending the Act, *see* Bombay Local Rules and Orders.

[4] The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

[5] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[6] The words " Official Gazette " were substituted for the words " Bombay Government Gazette ", *ibid.*

[7] The word " it " was substituted for the word " him ", *ibid.*

* This Act was re-enacted by Bom. 37 of 1947, s. 2.

† This Act has been re-enacted and the amendments made by section 9 and Schedule E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

2. [*Repeal of enactments.*] *Rep. Act XVI of 1895.*

"Gaming" defined.

3. [1][In this Act "gaming" includes wagering or betting except wagering or betting upon a horse-race, when such wagering or betting takes place—

(*a*) on the day on which such race is to be run, and

(*b*) in an enclosure which the licensee of the race-course, on which such race is to be run, has set apart for the purpose under the terms of the licence issued under section 4 of the Bombay Race-Courses Licensing Act, 1912,[2] in respect of such race-course, and Bom. III of 1912.

[3](*c*) between any individual in person, being present in the enclosure, on the one hand, and such licensee or other person licensed by such licensee in terms of the aforesaid licence on the other hand [4][or between any number of individuals in person] in such manner and by such contrivance as may be permitted by such licence ;

but does not include a lottery.

Any transaction by which a person in any capacity whatever employs another in any capacity whatever or engages for another in any capacity whatever to wager or bet whether with such licensee or with any other person shall be deemed to be 'gaming' : Provided, nevertheless, that such licensee may employ servants, and persons may accept service with such licensee, or wagering or betting in such manner or by such contrivance as may be permitted in such licence.] [5][The collection or soliciting of bets, receipt or distribution of winnings or prizes in money or otherwise in respect of wagering or betting or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution shall be deemed to be 'gaming'.]

"Instruments of gaming" defined.

[6][In this Act the expression "instruments of gaming" includes any article used [7][or intended to be used] as a subject or means of gaming, [8][[9]*any document used [7][or intended to be used] as a register or record or evidence of any gaming] [10][the proceeds of any gaming, and any winnings or prizes in money or otherwise distributed or intended to be distributed in respect of any gaming.]

"Common gaming-house" defined.

In this Act "common gaming-house" means a house, room or place in which [11][any] instruments of gaming are kept or used for the profit or gain of the person owning, occupying, [12][or keeping such house, room or place or of the person using such house, room or place whether he has a right to use the same or not, such profit or gain being either by way of a charge for the use of the instruments of gaming or of the house, room or place or otherwise howsoever.]]

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[1] This definition was substituted by s. 2 of the Bombay Prevention of Gambling (Amendment) Act, 1922 (Bom. 5 of 1922).

[2] *Infra.*

[3] Clause (c) was substituted for the original clause by Bom. 3 of 1931, s. 2.

[4] These words were inserted by Bom. 12 of 1934, s. 2.

[5] These words were inserted by Bom. 1 of 1936, s. 2 (*1*).

[6] This definition was inserted by s. 1 of the Act to amend the Bombay Prevention of Gambling Act, 1890 (Bom. 1 of 1890).

[7] The words "or intended to be used" were inserted by Bom. 1 of 1936, s. 2 (*2*) (*i*).

[8] These words were added by s. 2 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).

[9] The word "and" was omitted by Bom. 1 of 1936, s. 2 (*2*) (*ii*).

[10] These words were added, *ibid.*, s. 2 (*2*) (*iii*).

[11] This word was substituted for the words "cards, dice, tables, or other" by s. 2 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).

[12] This portion was substituted by Bom. 2 of 1941, s. 2, read with Bom. 37 of 1947, s. 2.

Keeping common gaming-house.

4. Whoever—

(*a*) [1][opens, keeps or uses any house, room or place], for the purpose of a common gaming-house,

(*b*) being the owner or occupier of any such house, room or place knowingly or wilfully permits the same to be opened, occupied, kept or used by any other person for the purpose aforesaid,

(*c*) has the care or management of, or in any manner assists in conducting the business of, any such house, room or place opened, occupied, kept or used for the purpose aforesaid,

(*d*) advances or furnishes money for the purpose of gaming with persons frequenting any such house, room or place,

[2][shall, on conviction, be punishable with imprisonment which may extend to six months and with fine :

Provided that—

(*a*) for a first offence such imprisonment shall not be less than one month and fine shall not be less than two hundred rupees ;

(*b*) for a second offence such imprisonment shall not be less than three months and fine shall not be less than two hundred rupees ; and

(*c*) for a third or subsequent offence such imprisonment shall not be less than six months and fine shall not be less than two hundred rupees.]

Gaming in common gaming-houses.

5. [3][Whoever is found in any common gaming-house gaming or present for the purpose of gaming, [4][shall, on conviction, be punishable with imprisonment which may extend to six months and with fine :

Provided that—

(*a*) for a first offence such imprisonment shall not be less than one month and fine shall not be less than two hundred rupees ;

(*b*) for a second offence such imprisonment shall not be less than three months and fine shall not be less than two hundred rupees ; and

(*c*) for a third or subsequent offence such imprisonment shall not be less than six months and fine shall not be less than two hundred rupees.]

Any person found in any common gaming-house during any gaming [5]* * therein shall be presumed, until the contrary [6][is proved], to have been there for the purpose of gaming.

Entry, search, etc., by police officers in gaming-houses.

[7]**6.** It shall be lawful for a Police officer—

(*i*) in [8][the Greater Bombay] not below the rank of a Sergeant or Sub-Inspector and either empowered by general order in writing or authorised in each case by special warrant issued by the Commissioner of Police, and

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[1] These words were substituted by Bom. 2 of 1941, s. 3 read with Bom. 37 of 1947, s. 2.
[2] This portion was substitued by Bom. 37 of 1947, s. 3.
[3] This paragraph was substituted by s. 3 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).
[4] This portion was substituted by Bom. 37 of 1947, s. 4.
[5] The words "or playing", were repealed by s. 3 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).
[6] The words "is proved" were substituted for the words "be made to appear" by Bom. I of 1936, s. 4 (*3*).
[7] Section 6 was substituted for the original section, *ibid.*, s. 5.
[8] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9, Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

(*ii*) elsewhere not below the rank of a Sub-Inspector of Police authorised by special warrant issued in each case [1][by a District Magistrate or Sub-Divisional Magistrate or by a Taluka Magistrate specially empowered by the State Government in this behalf or by] a District Superintendent of Police or by an Assistant or Deputy Superintendent of Police specially empowered by [2][the [3][State] Government] in this behalf,—

(*a*) to enter, with the assistance of such persons as may be found necessary, by night or by day, and by force, if necessary, any house, room or place which he has reason to suspect is used as a common gaming-house,

(*b*) to search all parts of the house, room or place which he shall have so entered, when he shall have reason to suspect that any instruments of gaming are concealed therein, and also the persons whom he shall find therein whether such persons are then actually gaming or not,

(*c*) to take into custody and bring before a Magistrate all such persons,

(*d*) to seize all things which are reasonably suspected to have been used or intended to be used for the purpose of gaming, and which are found therein :

Provided that no officer shall be authorised by special warrant unless the Commissioner of Police, the Magistrate, the District or Assistant or Deputy Superintendent of Police concerned is satisfied, upon any complaint made before him on oath and upon making such inquiry as he may think necessary, that there are good grounds to suspect the said house, room or place to be used as a common gaming-house.

Presumptive proof of keeping or gaming in common gaming-house.

7. When any instrument of gaming has been seized in any house, room or place entered under section 6 or about the person of any one found therein, and in the case of any other thing so seized if the court is satisfied that the Police officer who entered such house, room or place had reasonable grounds for suspecting that the thing so seized was an instrument of gaming, the seizure of such instrument or thing shall be evidence, until the contrary is proved, that such house, room or place is used as a common gaming-house and the persons found therein were then present for the purpose of gaming, although no gaming was actually seen by the Magistrate or the Police officer or by any person acting under the authority of either of them.

On conviction for keeping or gaming in common gaming-house, instruments of gaming may be destroyed.

8. On conviction of any person for opening, keeping or using a common gaming-house, [5]* * or gaming therein, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein or on the persons of those who were found therein, to be forthwith destroyed [6][or forfeited],

and may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and the proceeds thereof, with all moneys seized therein, to be forfeited; or, in his discretion, may order any part of such proceeds and other moneys to be paid to any person appearing to be entitled thereto.

Proof of playing for money not required for conviction.

9. It shall not be necessary, in order to convict a person of any offence against any of the provisions of sections 4 and 5, to prove that any person found [7][gaming] was playing for any money, wager or stake.

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[1] These words were substituted for the words " by a Magistrate of the First Class or " by Bom. 30 of 1954, s. 2.

[2] The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[4] Section 7 was substituted for the original section by Bom. 1 of 1936, s 6.

[5] The words " or playing " were repealed by s. 5 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919)

[6] The words " or forfeited " were added by Bom. 1 of 1936, s. 7.

[7] This word was substituted for the words " playing at any game " by s. 6 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).

SECTIONS.

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173 Water-tax water charges or halalkhor-tax paid by any person may be recovered by him from the occupier of the premises for which it is paid.
173A. Owner of premises entitled to recover water charges from occupiers of tenements.
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174 Refund of water and halalkhor-taxes when and to what extent obtainable.
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176 Refund not claimable unless notice of vacancy is given to the Commissioner.
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179. Applications for refund when and how to be made.

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180. Tax on what vehicles and animals to be levied.
181. Exemptions from the tax.
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183. [*Repealed.*]
184. [*Repealed.*]
185. Livery-stable-keepers and others may be compounded with.
186. Vehicle and animal tax book to be kept.
187. Returns may be called for from owners of premises and persons supposed to be liable to the tax.
188. Notice to be given to Commissioner by a person who becomes owner or possesser of a vehicle or animal in respect of which liability arises, etc.
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190. Refund of tax on vehicles and animals when and to what extent obtainable.
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197. Property-taxes payable half-yearly in advance.
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199. Town-duties payable on demand.
200. Service of bills for certain taxes.
201. When one bill may be served for several claims.
202. Notice of demand.
203. Distress and attachment.
204 Goods of defaulter may be distrained, wherever found.
205. Inventory and notice of distress and sale.
206. Sale.

Amended by Bom. 1 of 1942 ; *
" " " 8 of 1942 : †
" " " 2 of 1943 : *
" " " 9 of 1945 ; *
" " " 12 of 1945 ; *
" " " 1 of 1946 ; †
" " " 4 of 1947 ;
" " " 12 of 1947 ;
" " " 20 of 1947 ;
" " " 21 of 1947 ;
Adapted by the Indian (Adaptation of Existing Indian Laws) Order, 1947 ;
Amended by Bom. 3 of 1948 ;
" " " 8 of 1948 ;
" " " 48 of 1948 ;
" " " 69 of 1948 ;
" " " 76 of 1948 ;
" " " 7 of 1950 ;
Adapted and modified by the Adaptation of Laws Order, 1950 ;
Amended by Bom. 48 of 1950 ;
" " " 9 of 1951 ;
" " " 30 of 1951 ;
" " " 20 of 1952 ;
" " " 64 of 1953 ;
" " " 6 of 1954 ;
" " " 8 of 1954 ;
" " " 21 of 1954 ;
" " " 34 of 1954 ;
" " " 62 of 1954.

An Act to consolidate and amend the law relating to the Municipal Government of [1][Greater Bombay].

Preamble. WHEREAS it is expedient to consolidate and amend the law relating to the municipal government of [1][Greater Bombay] ; It is enacted as follows :—

CHAPTER I.
PRELIMINARY.

Short title. **1.** This Act may be cited as [2][the Bombay Municipal Corporation Act].

Extent. Except as is herein otherwise expressly provided, it extends only to [3][Greater Bombay].

Repeal of enactments. **2.** The enactments mentioned in Schedule A are repealed to the extent specified in the third column of the said Schedule :

Provided that—

(*a*) all rules and by-laws made, all notifications published, all orders issued and all licences and permissions granted under any of the said enactments and still in force shall, so far they are consistent with this Act, be deemed to have been respectively made, published, issued and granted hereunder ; and

(*b*) all debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for the municipal corporation before this Act comes into force shall be deemed to have been incurred, entered into or engaged to be done by, with or for the municipal corporation constituted under this Act; and

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* This Act was repealed and re-enacted by Bom. 8 of 1948.
† This Act was repealed and re-enacted with modifications, *ibid.*
[1] These words were substituted for the words " the City of Bombay " by Bom. 7 of 1950, s. 3.
[2] These words were substituted for the words and figures " the City of Bombay Municipal Act, 1888 " , *ibid.*, s. 4 (*a*).
[3] These words were substituted for the words " the City of Bombay ", *ibid.*, s. 4 (*b*).

(*c*) all rates, taxes and sums of money due to the corporation when this Act comes into force shall be deemed to be due to the corporation under this Act; and

(*d*) all suits or other legal proceedings, civil or criminal, instituted or which might but for the passing of this Act have been instituted by or against the corporation or the Commissioner may be continued or instituted subject to the provisions of section 13 of Schedule R as if this Act had not been passed; and

(*e*) all references made in any Act of the Governor of Bombay in Council to any of the said enactments shall be read as if made to this Act or to the corresponding portion thereof.

Definitions of terms.

3. In this Act, unless there be something repugnant in the subject or context,— Bom. XVII of 1945.

[1][(*a*) "the city" means the area specified in Part I of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945;

(*a1*) "Greater Bombay" means the areas specified in Parts I, II and III of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945; Bom. XVII of 1945.

(*a2*) "the suburbs" means the area specified in Parts II and III of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945]; Bom. XVII of 1945.

(*b*) "the corporation" means the Municipal Corporation of [2][Greater Bombay];

*[3][(*c*) "Councillor" means a person who is duly elected as a member of the Corporation under this Act];

[4][(*cc*) "Commission" means the Public Service Commission constituted for the State of Bombay under the Constitution of India];

(*d*) "the Commissioner" means the Municipal Commissioner for [2][Greater Bombay] appointed under section 54, and includes an acting Commissioner appointed under sub-section (*3*) of section 59;

(*e*) "Deputy Commissioner" means a Deputy Municipal Commissioner appointed under section 55, [5][and the Deputy Municipal Commissioner (Improvements) appointed under section 56A] and includes an acting Deputy Commissioner appointed under sub-section (*3*) of section 59 [6][and an additional Deputy Municipal Commissioner appointed under sub-section (*1A*) of section 55].

(*f*) "the Police Commissioner" means the Commissioner of Police [7][for Greater Bombay];

[8][(*g*) "Education Officer" means the Municipal Education Officer appointed under section 76A and includes an acting Municipal Education Officer appointed under section 85];

[9]* * * * * *

[10]* * * * * *

(*k*) "licensed plumber" and "licensed surveyor" means respectively, a person licensed by the Commissioner for the purposes of this Act as a plumber or surveyor, under section 355;

(*l*) "Small Cause Court" means the Court of Small Causes of Bombay;

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[1] These clauses were substituted for clause (*a*) by Bom. 7 of 1950, s. 5 (*i*).
[2] These words were substituted for the words "the City of Bombay", *ibid.*, s. 5 (*ii*).
[3] This clause was substituted for the original by Bom. 48 of 1950, s. 2 (*1*).
[4] Clause (*cc*) was inserted, *ibid*, s. 2 (*2*).
[5] These words, figures, brackets and letters were inserted by Bom. 13 of 1933, s. 3 (*a*).
[6] These words, figures, letter and brackets were added by Bom. 7 of 1950. s. 5 (*iii*).
[7] These words were substituted for the words "of Bombay", *ibid*, s. 5 (*iv*).
[8] Clause (*g*) was inserted by Bom. 48 of 1950, s. 2 (*3*).
[9] Clause (*h*) was deleted. *ibid.*, s. 2 (*4*).
[10] Clause (*j*) was repealed by Bom. 6 of 1922, s. 2.

*Section 79 of Bom. 48 of 1950 reads as follows :—

Savings.

79. Nothing in sections 2 (*1*),(*l*) and (*5*) and 4 to 16 shall affect the constitution of the Corporation, the Standing Committee, the Improvements Committee or any other Committee or sub-committee as constituted or appointed under the said Act—immediately before the coming into operation of this Act and any casual vacancy in the office of a council or a member of any of the said committees or sub-committee before the 1st day of April 1952, shall, subject to the provisions of the said Act, be filled as if this Act had not been passed.

(*2*) Save as otherwise provided in this Act, the power of appointing municipal officers and servants [1][whether temporary or permanent, shall] vest in the Commissioner :]

[2][Provided that such power in respect of permanent appointments shall be subject to the schedule for the time being in force prepared and sanctioned under section 79 :

Provided further that no temporary appointment shall be made by the Commissioner for any period exceeding six months and no such appointment carrying a monthly salary of more than two hundred rupees exclusive of allowances shall be renewed by the Commissioner on the expiry of the said period of six months without the previous sanction of the standing committee] [3][or of the Education Committee, as the case may be].

Manner of making appointments.

[4][**80B.** (*1*) No person shall be appointed to a post—

(*a*) the power of appointment to which vests in the corporation, the Standing Committee or the Municipal Commissioner ; and

(*b*) the minimum monthly salary exclusive of allowances for which is Rs. 300 per mensem or more,

except after consultation with the Commission in accordance with the rules made under this section.

(*2*) Nothing in sub-section (*1*) shall apply to any acting or temporary appointment for a period not exceeding six months [5][or to appointments to such ministerial posts as may, from time to time, be specified by the State Government in consultation with the Commission when such posts are to be filled by promotion.]

[6][(*2A*) The provisions of sub-section (*1*) shall not apply also to appointment of any officer,—

(*a*) who having been appointed by the Secretary of State or Secretary of State in Council to a civil service of the Crown in India continues on and after the 15th August 1947 to serve under the Government of India or of a State ; or

(*b*) who is a member of the Indian Administrative Service or Indian Police Service,

to any such post on foreign service conditions.]

(*3*) The State Government shall after consultation with the Corporation and Commission make rules for prescribing—

(*a*) the procedure to be followed by the Commission in advertising the posts, calling for applications, scrutinising the same and selecting the candidates for interview ;

(*b*) the procedure to be followed by the Commission for selecting candidates and by the Corporation for consultation with the Commission ;

(*c*) the procedure for enabling the Municipal Officer or Officers to attend the interview to advise the Commission ;

(*d*) the procedure to be followed in case there is a difference of opinion between the Commission and the appointing authority ;

(*e*) the fees and other costs to be paid to the Commission by the Corporation for consultation and other incidental matters ;

(*f*) any other matter which is necessary or incidental for the purpose of consultation with the Commission.

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[1] These words were substituted for the original by Bom. 76 of 1948, s. 8.
[2] These provisos were added, *ibid.*
[3] These words were added by Bom. 48 of 1950, s. 47 (*2*).
[4] This section was substituted, *ibid.*, s. 48.
[5] These words were inserted by Bom. 64 of 1953, s. 3.
[6] This sub-section was inserted by Bom. 62 of 1954, s. 2 (*1*) This amendment shall be deemed to have been made on and to have effect from the 14th day of May 1954 [*see* s. 2 (*2*) of Bom. 62 of 1954].

(*4*) The Corporation shall also with the previous sanction of the State Government make rules prescribing the qualifications to be possessed by candidates eligible for appointment to posts referred to in sub-section (*1*).

(*5*) The rules made under this section shall be published in the *Official Gazette*.

(*6*) Any rules made prescribing qualifications for appointment to any such post which were in force immediately before the Bombay Municipal Corporation and City of Bombay Primary Education (Amendment) Act, 1950, comes into force, shall continue in force and be deemed to have been made under this section unless and until they are superseded or amended by rules made under this section. Bom. XLV-III of 1950.

(*7*) All fees paid to the Commission under this section shall be credited to the State Government.

(*8*) All communications made by the Commission in regard to any matter relating to the appointment to any post for which it was consulted shall be deemed to be confidential and no discussion shall be permitted thereon in the Corporation, in the Standing Committee, or any Committee of the Corporation or no disclosure relating thereto shall be made in the public.]

Leave of Absence, Acting Appointments, etc.

Standing committee to frame regulations or grant of leave, etc.

81. (*1*) The Standing Committee shall from time to time frame regulations in consonance with any resolution that may be passed by the corporation—

(*a*) fixing the amount and the nature of the security to be furnished by any municipal officer or servant from whom it may be deemed expedient to require security ;

(*b*) regulating the grant of leave to municipal officers and servants ;

(*c*) authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave ;

(*d*) determining the remuneration to be paid to the persons appointed to act for any of the said officers or servants during their absence on leave ;

[1][(*dd*) authorizing the payment of travelling or conveyance allowance to the said officers and servants ;]

(*e*) regulating the period of service of all the said officers and servants ;

(*f*) determining the conditions under which the said officers and servants, or any of them, shall on retirement or discharge receive pensions, gratuities or compassionate allowances and under which [2][the surviving spouse or children and in the absence of the surviving spouse or children the parents, brothers and sisters, if any,] dependent on any of the said officers and servants, shall, after their death, receive compassionate allowances and the amounts of such pensions, gratuities or compassionate allowances ;

(*g*) authorizing the payment of contributions, at certain prescribed rates and subject to certain prescribed conditions, to any pension or provident fund which may, with the approval of the standing committee, be established by the said officers and servants [3][or to such provident fund, if any, as may be established by the corporation for the benefit of the said officers and servants] ;

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[1] This clause was inserted by Bom. 12 of 1936, s. 5 (*1*).

[2] These words were substituted for the original by Bom. 76 of 1948, s. 9.

[3] These words were added by Bom. 6 of 1922, s. 27 (*1*), and the addition shall be deemed to have been made and to have had effect from such date as may be fixed by the corporation.

Authentication of ward assessment-books when all complaints have been disposed of.

166. (*1*) When all such complaints, if any, have been disposed of and the entries required by clause (*e*) of section 156 have been completed in the ward assessment-book, the said book shall be authenticated by the Commissioner, who shall certify, under his signature, that except in the cases, if any, in which amendments have been made as shown therein, no valid objection has been made to the rateable values entered in the said book.

(*2*) Thereupon the said ward assessment-book subject to such alterations as may thereafter be made therein under the provisions of the next following section, shall be accepted as conclusive evidence of the amount of each property-tax leviable on each building and land in the ward in the official year to which the book relates.

Assessment-book may be amended by the Commissioner during the official year.

167. (*1*) The Commissioner may, upon the representation of any person concerned, or upon any other information, at any time during the official year to which an assessment-book relates amend the same by inserting therein the name of any person whose name ought to be so inserted or any premises previously omitted or by striking out the name of any person not liable for the payment of any property-tax, or by increasing or reducing the amount of any rateable value and of the assessment based thereupon, or by making or cancelling an entry exempting any premises from liability to any property-tax.

(*2*) Every such amendment shall be deemed to have been made, for the purpose of determining the liability or exemption of the person concerned in accordance with the altered entry, from the earliest day in the current official year when the circumstances justifying the amendment existed.

New assessment-book need not be prepared every official year.

168. (*1*) It shall not be necessary to prepare a new assessment-book every official year. Subject to the provisions of sub-section (*3*), the Commissioner may adopt the entries in the last preceding year's book with such alterations as he thinks fit, as the entries for each new year.

(*2*) But public notice shall be given, in accordance with sections 160 and 162 every year and the provisions of the said sections and of sections 163 to 167, both inclusive, shall be applicable each year.

(*3*) A new assessment-book shall be prepared at the least once in every four years.

Special provisions concerning the Water and Halalkhor Taxes.

A charge by measurement or a periodical lump payment may be substituted for the water-tax.

169. (*1*) The Commissioner may—

(*a*) in such cases as the standing committee shall either generally or specially direct, instead of levying the water-tax in respect of any premises liable thereto under section 141, charge for the water supplied to such premises by measurement at such rate as shall from time to time be prescribed by the said committee in this behalf. [1][The sum so charged shall hereinafter be referred to as 'water charges'];

(*b*) [2][in such cases as the standing committee shall either generally or specially approve], compound with any person for the supply of water to any premises for a renewable term of one or more years not exceeding five, on payment of a fixed periodical sum in lieu of the water-tax or [3][water charges] which would otherwise be leviable from such person in respect of the said premises.

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[1] These words were added by Bom. 61 of 1954, s. 3. (*1*).

[2] These words were substituted for the words " with the approval of the standing committee " by Bom. 19 of 1930, s. 11 (*a*).

[3] These words were substituted for the words " charge by measurement " Bom. 61 of 1954, s. 3 (*2*).

(*2*) The standing committee may, for the cases in which the Commissioner charges for water by measurement under clause (*a*), from time to time prescribe such conditions as they shall think fit as to the use of the water and as to the charge to be paid for water consumed whilst a meter is out of order or under repair; and [1][for the cases] in which a composition is made under clause (*b*), the said committee may prescribe such conditions as to the use of the water as they shall think fit: Provided that no condition prescribed under this sub-section shall be inconsistent with this Act or with any by-law made under this Act.

(*3*) A person who is charged for water by measurement or who has compounded for a fixed periodical sum shall not be liable for payment of the water-tax, but any sum payable by him on account of water and not paid when it becomes due shall be recoverable by the Commissioner as if it were an arrear of water-tax.

[2][Government] and the Port Trust to be charged for water by measurement.

170. If, in respect of any premises, water-tax would be leviable under this Act from the [2][Government] or from the Trustees of the Port of Bombay, the Commissioner, in lieu of levying such tax, shall charge for the water supplied to such premises, by measurement, at such rate as shall be prescribed by the standing committee in this behalf, not exceeding, in the case of the [2][Government], the minimum rate, and, in the case of the said Trustees, the maximum rate, at the time being charged under clause (*a*) of section 169 to any other person; and such charge shall be recoverable as provided in sub-section (*3*) of the said section.

Supply of water at public drinking fountains, etc., not to be taxed.

171. No tax or charge of any kind shall be levied or demanded for the use of water in or from any drinking fountain, tank, reservoir, cistern, pump, well, duct, standpipe or other work, used for the gratuitous supply of water to the inhabitants of the city and vesting in the corporation: Provided that the use of water in or from any such work shall be limited as prescribed in sub-section (*3*) of section 269.

Halalkhor-tax may be fixed at special rates in certain cases.

172. (*1*) The Commissioner may, whenever he thinks fit, fix the halalkhor-tax to be paid in respect of any hotel, club or other large premises at such special rate as shall be approved by the standing committee in this behalf, either generally or in any particular case, whether the service in respect of which such tax is leviable be performed by halalkhors or by substituted means or appliances.

(*2*) In the case of premises in respect of which the halalkhor-tax is payable by the [2][Government] or by the Trustees of the Port of Bombay, the Commissioner shall fix the said tax at a special rate approved as aforesaid.

(*3*) In any such case the amount of the halalkhor-tax shall be fixed with reference to the cost or probable cost of the collection, removal and disposal, by the agency of municipal halalkhors, of excrementitious and polluted matter from the premises.

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[1] These words were substituted for the words " in each case " by Bom. 19 of 1930, s. 11 (*b*).

[2] The word " Government " was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.

Water-tax [2][water charges] or halalkhor-tax paid by any person may be recovered by him from the occupier of the premises for which it is paid.

173. (*1*) Any person who has paid to the Commissioner any [1][water-tax, or a sum on account of water charges or any] halalkhor-tax in respect of any premises shall, if he was not himself in occupation of the said premises during the period for which he has made such payment, be entitled to receive the amount of the said payment from the person, if any, in actual occupation of the said premises for the said period.

(*2*) For the recovery of the said amount from the person aforesaid, the person who has paid the same shall have the same rights and remedies as if such amount were rent payable to him by the person from whom he is entitled to receive the same.

Owner of premises entitled to recover water charges from occupiers of tenements.

[3][**173A.** (*1*) If the premises to which water is supplied by measurement consists of more than one tenement and water is supplied thereto through a common meter and if water charges in respect of the water supplied are paid to the Commissioner by the owner of the said premises or any person acting on his behalf, such owner shall be entitled to recover the sum of such water charges *pro-rata* from the occupiers of the tenements during the period for which water is supplied to the said tenements through the common meter, in proportion to the amount of the rent for which each of such tenements is let :

Provided that if—

(*a*) any of the tenements is in the occupation of the owner or any person acting on his behalf, or

(*b*) by the terms of the tenancy, the owner has agreed to pay the water charges for an occupier of a tenement,

the amount payable *pro-rata* in respect of such tenements shall not be recovered from the occupiers of other tenements.

(*2*) If, under the terms of the tenancy, the rent charged for any such tenement is inclusive of water-tax and subsequently water is supplied thereto through a common meter and if water charges are paid by the owner or any person acting on his behalf, such owner shall be entitled to recover under this section from the occupier of such tenement only the difference between the water-tax previously payable by him and the water charges payable in respect of such tenement on *pro-rata* basis under sub-section (*1*).

Water charges paid by owners but not recovered from occupiers not to operate to diminish annual rent for purposes of section 154.

173B. If the owner of any premises has paid to the Commissioner the sum of water charges in respect of water supplied to the premises and though entitled to recover from the person in actual occupation of the said premises a sum as determined under section 173A, omits or fails to recover the same wholly or in part for whatever reason the fact of the omission or failure to recover such sum shall not operate to diminish the amount of the annual rent of the said premises calculated for the purposes of section 154.]

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[1] These words were substituted for the words " Water Tax or " by Bom. 62 of 1954, s. 4 (*1*).
[2] These words were inserted, *ibid.*, s. 4 (*2*).
[3] Sections 173A and 173 B were inserted, *ibid.*, s. 5.

prescribe, and may in like manner require any lock or key found to be defective on an inspection under section 278 to be replaced.

(2) Every cistern so provided with a lock shall be kept permanently locked and the key shall then be delivered to the Commissioner.]

Communication-pipes, etc., to be kept in efficient repair by owner or occupier of premises.

275. [1][(1)] It shall be incumbent on the owner or occupier of any premises to which a private water-supply is furnished from any municipal water-work, [2][to keep in a thoroughly clean condition and to maintain and keep in efficient repair every supply and distributing pipe] conveying water from the said water-work to such premises and every meter for measuring water, not being a municipal meter and [2][every cistern and fitting] in or connected with any such pipe, so as effectually to prevent the water from running to waste.

[3][(2) When an occupier of any premises is served with a notice under sub-section (2) of section 278, he may, after giving to the person to whom he is responsible for the payment of his rent [4][three] days' notice in writing, himself have the repairs executed and in such event he shall be entitled to deduct from any rent due [4][or to become due] by him to such person the actual expenses incurred by him in complying with the notice served under sub-section (2) of section 278 : provided that nothing in this section shall effect the liabilities of parties under leases executed before the 1st day of April 1918.]

Provision of meters when water is supplied by measurement.

276. (1) Where water is supplied by measurement, the Commissioner may either provided a meter and charge the consumer for the same such rent as shall from time to time be prescribed in this behalf by the standing committee, or may permit the consumer to provide a meter of his own of such size, material and description as the Commissioner shall approve for this purpose.

[5][Provided that if such consumer is an occupier of any premises, he shall not be provided with a meter or permitted to provide himself with a meter of his own, unless he complies with such conditions as may be prescribed by the Commissioner.]

(2) The Commissioner shall at all times keep all meters and other instruments for measuring water, let by him for hire to any person, in proper order for correctly registering the supply of water, and in default of his so doing such person shall not be liable to pay rent for the same during such time as such default continues.

Register of meter to be evidence.

277. Where water is supplied by measurement, the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity consumed.

Inspection.

Commissioner, etc., may inspect premises in order to examine meter, communication-pipes, etc.

278. (1) The Commissioner may make an inspection of any premises to which a private water-supply is furnished by the corporation in order—

(a) to remove, test, examine and replace any meter for measuring water : or

[6][(b) to examine any supply or distributing pipe, cistern, lock or fitting ; or]

(c) to see if there be any waste or misuse of water.

[7][(2) The Commissioner may, by written notice, require the owner or occupier of the premises to remedy any defect which shall be found to exist in or to clean, any such meter, not being a municipal meter let to him for hire, or any such supply or distributing pipe, cistern, lock or fitting.

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[1] Section 275 was numbered sub-section (1) of section 275 by Bom. 8 of 1918, s. 12.
[2] These words were substituted for the original by Bom. 5 of 1938, s. 29 (a).
[3] This sub-section was added by Bom. 8 of 1918.
[4] These words were substituted for the original by Bom. 5 of 1938, s. 29 (b).
[5] This proviso was inserted by Bom. 62 of 1954, s. 6.
[6] This clause was substituted for the original by Bom. 5 of 1938, s. 30 (a).
[7] This sub-section was substituted for the original, *ibid.*, s. 30 (b).

Cutting off private water-supply.

Power to cut off private water-supply or to turn off water.

279. (*1*) The Commissioner may [1]* * * * * * cut off the connection between any municipal water-work and any premises to which a private water-supply is furnished by the corporation or turn off the water from such premises in any of the following cases, namely :—

(*a*) in default of payment of any instalment of water-tax or of any sum due for water [2][or hire of meter] [3][or expenses of any work done under or by virtue of the provisions of section 272, 276 or 287A] within fifteen days after a [4][notice of demand] for such tax or sum has been duly [5][served] ;

[6][(*b*) if the owner of the premises neglects, within the period prescribed in this behalf in any notice given under sub-section (*1*) or (*1A*) of section 274 or under section 274A, to comply with any requisition made to him by the Commissioner regarding the provision of any cistern, fitting, lock or key or any means of access to such cistern ;

(*c*) if the owner or occupier of the premises fails, within the period prescribed in this behalf in any notice given under sub-section (*2*) of section 278, to comply with the terms of such notice or fails to use articles of the kind prescribed under sub-section (*3*) of section 274 ;]

(*d*) if after receipt of a written notice from the Commissioner requiring him to refrain from so doing, the owner or occupier of the premises continues —

(*i*) to use the water, or to permit the same to be used, in contravention of any by-law made under this Act or of any condition prescribed under sub-section (*2*) of section 169 ;

(*ii*) when payment for the water is made not by measurement to permit any person not residing on premises in respect of which water-tax is paid to carry away from such owner's or occupier's premises water derived from the municipal water-work ;

[7][(*e*) if the owner or occupier of the premises wilfully or negligently injures or damages any meter, pipe, cistern or fitting or lock thereof in such premises ;]

[8][(*f*) if the owner or occupier of the premises fails to comply with any requisition made on him by the Commissioner under sub-section (*2*) of section 287B, to furnish the name of the licensed plumber] :

[9][Provided that—

[10][(*i*) in any case under sub-clause (*a*) the Commissioner shall not take action unless not less than fifteen days previously a copy of the notice of demand in respect of the tax or sum has been affixed to a conspicuous part of the premises,]

[11][(*ii*) in cases under sub-clauses (*a*), (*b*), [12][(*d*) and (*f*)] the Commissioner shall not take action without the sanction of the standing committee,

[11][(*iii*) in cases under sub-clauses (*c*) and (*e*) the Commissioner shall not take action unless written notice of not less than twenty-four hours has been given to the owner or occupier of the premises,]

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[1] The words " with the sanction of the standing committee " were repealed by Bom. 6 of 1913, s.2.
[2] These words were inserted by Bom. 5 of 1938, s. 31 (*i*).
[3] These words and figures were inserted by Bom. 10 of 1928, s. 13 (*a*) (*i*).
[4] The words " notice of demand " were substituted for the original word " bill ", *ibid.*, s. 13 (*a*) (*ii*)
[5] This word was substituted for the word " presented " by Bom. 20 of 1952, s. 15.
[6] These clauses were substituted for the original by Bom. 5 of 1938, s. 31 (*1*) (*b*).
[7] This clause was substituted for the original, *ibid.*, s. 31 (*c*).
[8] This clause was inserted by Bom. 8 of 1918, s. 13 (*d*).
[9] This proviso was added by Bom. 6 of 1913, s. 2.
[10] New proviso (*i*) was inserted by Bom. 10 of 1928, s. 13 (*b*) (*i*).
[11] Original provisoes (*i*) and (*ii*) were renumbered as provisoes (*ii*) and (*iii*) respectively, *ibid.*, s. 13 (*c*).
[12] These letters, word and brackets were substituted for the original word, letter and brackets " and (*d*) " by Bom. 8 of 1918, s. 13, *e*).

his office or place of abode, stating with reasonable particularity the cause of action and the name and place of abode of the intending plaintiff and of his attorney or agent, if any, for the purpose of such suit ; nor*

(*b*) unless it is commenced within six months next after the accrual of the cause of action.

(*2*) At the trial of any such suit—

(*c*) the plaintiff shall not be permitted to go into evidence of any cause of action except such as is set forth in the notice delivered or left by him as aforesaid ;

(*d*) the claim, if it be for damages, shall be dismissed if tender of sufficient amends shall have been made before the suit was instituted or if, after the institution of the suit, a sufficient sum of money is paid into Court with costs.

(*3*) Where the defendant in any such suit is a municipal officer or servant, payment of the sum or of any part of any sum payable by him in or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise, may be made, with the [1][previous] sanction of the standing committee [2][or the Bombay Electric Supply and Transport Committee, from the municipal fund or the Bombay Electric Supply and Transport Fund, as the case may be].

Savings in respect of certain provisions of Bombay Land Revenue Code, 1879.

[3][**527A.** Notwithstanding the provisions of sections 48, 65, 66 and 67 of the Bombay Land Revenue Code, 1879— Bom. V of 1879.

(*1*) the use of any land in the suburbs for any purpose to which it may lawfully be put under the provisions this Act shall not be prohibited in exercise of the powers conferred by or under the said Code ;

(*2*) it shall be sufficient for any occupant of land in the suburbs assessed or held for the purpose of agriculture to show to the satisfaction of the Collector that he has complied with all the requirements of this Act and the bye-laws made thereunder to entitle such occupant to permission under section 65 of the said Code subject to the condition of the payment of altered assessment and fine, if any, for the use of the holding or part thereof for any purpose unconnected with agriculture.]

Effect of the transitory provisions in Schedule R.

528. The provisions contained in Schedule R for regulating the constitution of the corporation and other matters until this Act is brought fully into operation shall be of the same effect as if they were enacted in the body of this Act.

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[1] The word "previous" was inserted by Bom. 19 of 1930, s. 20.
[2] These words were substituted for the original by Bom. 48 of 1948, s. 59.
[3] Section 527A was inserted by Bom. 7 of 1950, s. 33.
* This word was substituted for the word "or" as the latter was a misprint.

(*c*) pensions, gratuities and contributions by the corporation to the Provident Fund;

(*d*) office expenses, cost of audit, expenses of management of debt, losses on investments and other incidental expenses;

shall, in the first instances, be debited to the General Account and shall be apportioned at the close of each financial year between the Capital Account and the General Account in such proportion as the standing committee shall determine.

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[1][SCHEDULE BBA.

Accounts to be maintained under section 123C.

1. The accounts to be kept under section 123C shall be maintained in the form of an Education Fund Account.

2. There shall be credited to the Education Fund Account all moneys received by, or on behalf of, and all sums contributable by the Corporation for the purposes of clause (*q*) of section 61, including:—

(*a*) all proceeds of the disposal of any property held by the Corporation for the purposes of the said clause;

(*b*) all rents received from the lease of any immovable property held for the purposes of the said clause;

(*c*) all fees and fines received in municipal schools (other than fines to which the provisions of section 120 apply);

(*d*) all interest or profit arising from any transaction effected with moneys held by the Corporation for the purposes of the said clause;

(*e*) all moneys received from the State Government or from any other source by way of contribution, gift or grant for the purposes of primary education; and

(*f*) the amount estimated by the Commissioner under sub-clause (*c*) of section 126C as revised by the Corporation under section 127.

3. There shall be debited to the Education Fund Account all the expenses incurred by the Corporation for the purpose of clause (*q*) of section 61 including:—

(*a*) the salary and allowances of the Education Officer;

(*b*) the salaries and allowances of all municipal officers and servants serving under the Education Officer in his office;

(*c*) the salaries and allowances of all masters, teachers and other persons employed in the primary schools maintained by the Corporation;

(*d*) the contributions to provident fund, pensions, gratuities and compassionate allowances payable by the Corporation to or in respect of, officers and servants employed, or formerly employed, in any of the capacities mentioned in sub-clause (*a*), (*b*) or (*c*);

(*e*) all costs and expenses incurred by the Commissioner in the exercise of any power or the discharge of any duty conferred or imposed upon him for the purposes of clause (*q*) of section 61, including moneys which he is required or empowered to pay by way of compensation;

(*f*) every sum payable under a decree or order of a civil or criminal court passed against the Corporation or against the Commissioner or the Education Officer *ex-officio* in any proceeding arising out of the activities of the Corporation

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[1] Schedule BBA was inserted by Bom. 48 of 1950, s. 78.

undertaken for the purposes of clause (*q*) of section 61, or under a compromise effected under section 517 of any suit or other legal proceeding or claim in like circumstances ;

(*g*) all interest and debt charges in respect of loans raised for the construction of school buildings or otherwise for the purposes of clause (*q*) of section 61 ; and

(*h*) all costs and expenses incurred on account of the maintenance of school clinics and of the medical inspection of school children.]

[1]SCHEDULE CC.

(See *Section 354S.*)

Portions of the Land Acquisition Act, 1894, regulating the acquisition of land [2][*under Chapter XII-A*].

Part I—Preliminary, except clauses (*e*) and (*f*) of section 3.
Part II—Acquisition, except sub-section (*1*) of section 4, section 6 and sub-section (*2*) of section 17.
Part III—Reference to Court and Procedure thereon, except sub-section (*2*) of section 23 and clauses (6) and (7) of section 24.
Part IV—Apportionment of compensation.
Part V—Payment.
Part VI—Temporary occupation of land.
Part VIII—Miscellaneous.

[1]SCHEDULE DD.

(See *Section 354S.*)

Scale of Additional Compensation for compulsory acquisition for improvement purposes.

Amount of compensation awarded.	Percentage to be allowed in addition under section 354S.
Not exceeding ten thousand rupees, or, if the amount exceeds ten thousand rupees for the first ten thousand.	Six per cent.
Exceeding ten thousand, but not exceeding fifty thousand, for the amount by which it exceeds ten thousand.	Four per cent.
Exceeding fifty thousand rupees, but not exceeding one lakh, for the amount by which it exceeds fifty thousand.	Three per cent.
Exceeding one lakh, for the amount by which it exceeds one lakh.	Two and a half per cent.

[3]SCHEDULE EE.

(See *Section 136*).

Duties and Powers of the Municipal Chief Auditor.

1. (1) The municipal chief auditor shall audit the accounts of the corporation as hereinafter provided, with the assistance of the assistant auditors, clerks and servants appointed under section 78-B of this Act.

(2) In the discharge of his functions under this article the municipal chief auditor shall—

(*i*) audit the accounts of [4] *expenditure from the revenue of the corporation expenditure on account of loan works and [4] *expenditure incurred out of

[1] This Schedule was inserted by Bom. 13 of 1933, s. 37.
[2] These words were inserted for the words "*for improvement purposes*" by Bom. 34 of 1954, s. 33.
[3] This Schedule was inserted by Bom. 2 of 1938, s. 9.
[4] The word "all" was deleted by Bom. 76 of 1948, s. 42.

special funds and shall ascertain whether moneys shown therein as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged, and whether the expenditure conforms to the authority which governs it;

(*ii*) audit the accounts of [1] *debt, deposit, sinking funds, advances, suspense and remittance transactions of the corporation and report upon those accounts and upon the results of verification of the balances relating thereto.

(3) The municipal chief auditor shall examine and audit the statements of accounts relating to the commercial services conducted in any department of the corporation, including the trading, manufacturing and profit and loss accounts, and the balance sheets where such accounts are maintained under the orders of the [2] [corporation, the standing committee or the Bombay Electric Supply and Transport Committee,] and shall certify and report upon these accounts.

(4) The municipal chief auditor shall, in consultation with the standing committee, and subject to any directions given by the corporation, determine the form and manner in which his reports on the accounts of the corporation shall be prepared and shall have authority to call upon any officer of the corporation to provide any information necessary for the preparation of these reports.

2. (1) The municipal chief auditor may make such queries and observations in relation to any of the accounts of the corporation which he is required to audit and call for such vouchers, statements, returns and explanations in relation to such accounts as he may think fit.

(2) Every such query or observation as aforesaid shall be promptly taken into consideration by the officer or authority to whom it may be addressed and returned without delay with the necessary vouchers, documents or explanations to the chief auditor.

(3) The powers of the municipal chief auditor with regard to disapproval of, and the procedure with regard to settlement of objections to expenditure from the revenues of the corporation shall be such as may be prescribed by rules or orders made by the standing committee in consultation with the chief auditor and sanctioned by the corporation [3][in the case of expenditure debited to the municipal fund and by the Bombay Electric Supply and Transport Committee in the case of expenditure debited to the Bombay Electric Supply and Transport Fund].

3. If the municipal chief auditor considers it desirable that the whole or any part of the audit applied to any accounts which he is required to audit shall be conducted in the offices in which these accounts originate, he may require that these accounts, together with all books and documents having relation thereto, shall at all convenient times be made available in the said offices for inspection.

4. The municipal chief auditor shall have power to require that any books or other documents relating to the accounts he is required to audit shall be sent for inspection by him:

Provided that if the documents are confidential he shall be responsible for preventing disclosure of their contents.

5. The municipal chief auditor shall have authority to frame rules and to give directions on all matters relating to audit, particularly in respect of the method and the extent of audit to be applied and the raising and pursuing of objections.

6. Sanctions to expenditure accorded by the municipal chief auditor shall be audited by an officer to be nominated by the corporation.

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[1] The word "all" was deleted by Bom. 76 of 1948, s. 42.

[2] These words were substituted for the original by Bom. 48 of 1948, s. 60.

[3] These words were added, *ibid.*

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41. Recourse to the Land Acquisition Act, 1894.

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43. Officer or servant of any Municipality not to be interested in any contract with such Municipality.
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44. Penalty for councillor, officer or servant of a Municipality being interested in any contract, etc., with that Municipality.

45. Councillors, etc., to be deemed public servants.

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46A. Discretionary power to make rules.

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for defining standard weights and measures;
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for enforcing information as to liability to municipal taxation ;
octroi by-laws ;
for protecting water ;
regulating public baths, etc. ;
for conservancy ;
regulating structures and buildings ;
for providing for streets ;
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70. Municipality may charge fees for certain licences.
Market and other fees.

(4) Special provisions relating to certain taxes.

71. Fixed charges and agreements for payment in lieu of taxes for water supplied.
Power to fix a special rate in lieu of special sanitary cess.
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SECTIONS.

72. Taxes on pilgrims may be assigned in part to local boards.
73. Power of Provincial Government to suspend levy of objectionable taxes.
74. Power of Provincial Government to require Municipalities to impose taxes.

(5) Octroi and tolls.

75. Octroi by-laws to be submitted with proposal for imposition of octroi.
76. Power to examine articles liable to octroi.
Power to search where octroi is leviable.
77. Presentation of bills for octroi.
Penalty of evasion of octroi.
78. Tables of tolls to be shown on demand.
79. Power to seize vehicle or animal on non-payment of octroi or toll.
Power to sell property seized at once.
Release of property on payment.
Sale.
Surplus how dealt with.
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CHAPTER VIII.

RECOVERY OF MUNICIPAL CLAIMS.

82. Presentation of bill for taxes.
Contents of bill.
83. Warrant by whom to be signed.
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84A. Distraint and sale outside the district.
85. Fees and costs chargeable.
86. Appeals to Magistrates.
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87. Liability of land, buildings, etc., for rates.
88. Suspension of power to recover by distress and sale.
89. Receipts to be given for all payments.

Amended by Bom. 20 of 1954 ;
,, ,, ,, 21 of 1954 ;
,, ,, ,, 35 of 1954 ;
,, ,, ,, 53 of 1954.

An Act for the better management of municipal affairs in mofussil towns and cities.

WHEREAS it is expedient to consolidate and amend the law relating to the management of municipal affairs in cities and towns in the Bombay Presidency other than [1][Greater Bombay] ; It is enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (*1*) This Act may be cited as the Bombay District Municipal Act, 1901. Short title.

(*2*) It extends to the whole of the Presidency of Bombay, except [1][Greater Bombay]. Local extent.

(*3*) It shall come into force on the first day of April 1901. Commencement.

Bom. VI of 1873. Bom. II of 1884.

2. (*1*) The Bombay District Municipal Acts of 1873 and 1884 are hereby repealed ; Repeal.

Provided that—

(*a*) the said repeal shall not affect the validity or invalidity of anything already done under either of the said enactments ; Saving clause.

(*b*) all municipalities constituted, municipal commissioners appointed or elected, committees established, limits defined, appointments, rules, orders and by-laws made, notifications and notices issued, taxes and rates imposed, contracts entered into, and suits and other proceedings instituted, under the said Acts or under any enactments thereby repealed, shall, so far as may be, be deemed to have been respectively constituted, appointed, elected, established, defined, made, issued, imposed, entered into and instituted under this Act ;

(*c*) any enactment of the Governor of Bombay in Council, or document referring to any such repealed enactment, shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof

Bom. II of 1899.

(*2*) Of the [2]Bombay Prevention of Adulteration Act, 1899, in section 5, the whole of sub-section (*2*), and clause (*b*) of sub-section (*3*), and in section 6, the whole of sub-section (*2*) are hereby repealed.

3. In this Act and in the schedules, unless there be something repugnant in the subject or context,— Definitions.

(*1*) "City Municipality" shall mean any municipality which

(*a*) [3]* * * * *

(*b*) has been declared under sub-section (*1*) of section 181 a City Municipality, and which has not ceased, under sub-section (*2*) of section 181, to be a City Municipality ;

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[1] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 Sch. F, read with Bom. 8 of 1950, s. 5.

[2] On the coming into operation of the provisions of Bom. 5 of 1925, in any local area in respect of any article of food, so much of the Bombay Prevention of Adulteration Act, 1899, (Bom. 2 of 1899), as has not already been repealed, except section 6, shall be deemed to have been repealed, *see* Bom. 5 of 1925, s. 20.

[3] Clause (*a*) was deleted by Bom. 21 of 1954, s. 2. First Schedule.

(*2*) " Councillor " shall mean any person legally a member of a municipality constituted under this Act ;

[1][(*3*) " Director of Local Authorities " shall mean the officer appointed for the time being by the State Government to be the Director of Local Authorities ;]

[2][(*3A*) " Municipal Commissioner " shall mean a person appointed under the provisions of section 186A, and shall include a person appointed to act as Municipal Commissioner under sub-section (*3*) of section 186D ;]

(*4*) " Judge " shall mean District Judge, Joint Judge, Assistant Judge, Judge of a Court of Small Causes, Subordinate Judge, Joint Subordinate Judge or a Judge appointed under the Dekkhan Agriculturists Relief [3][Acts] 1879 to 1895 ;

(*5*) " Municipal district " shall mean any local area which is at present a municipal district, and any local area which may hereafter be constituted a municipal district under section 4, if such municipal district has not ceased to exist under the provisions of the said section ;

(*6*) " Land " shall include land which is built upon or covered with water ;

(*7*) " Building " shall include any hut, shed or other enclosure, whether used as a human dwelling or otherwise and shall include also walls [4][including compound wall and fencing], verandahs, fixed platforms, plinths, door-steps, and the like ;

(*8*) " Owner " shall include the person for the time being receiving the rent of lands and buildings or either of them, whether on his own account or as agent or trustee for any other person or for any society, or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant ; Provided that no person receiving the rent of any land or building as agent or trustee for another person, shall be liable to do anything by this Act required to be done by the owner of such land or building which may involve expenditure on the part of such owner, unless he have funds of, or due to, the owner sufficient to pay for the same ; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of, or due to, the owner sufficient to defray the expense of doing the act required ;

(*9*) " Salaried [5][servant of the [6][Government]] " shall not include a retired [5][servant of the [6][Government]] in receipt of a pension, or a person in receipt of a salary [7][from the [6][Government]] who is not a full-time [5][servant of the [6][Government]] ;

(*10*) " Official year " shall mean the year commencing on the first day of April ;

(*11*) " Annual letting value " shall mean the annual rent for which any building or land, exclusive of furniture or machinery contained or situated therein or thereon, might reasonably be expected to let from year to year ;

(*12*) " Street " shall mean any road, footway, square, court, alley or passage accessible whether permanently or temporarily to the public, whether a thoroughfare or not ;

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[1] Clause (*3*) was inserted by Bom. 26 of 1953, s. 2.

[2] This clause was inserted by s. 2 of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

[3] The word " Acts " was substituted for the word " Act " by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902).

[4] These words were inserted by Bom. 52 of 1949, s. 2.

[5] The words " servant of the Crown " were substituted for the words " servant of Government " by the Adaptation of Indian Laws Order in Council.

[6] This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.

[7] The words " from the Crown " were substituted for the words " from Government " , by the Adaptation of Indian Laws Order in Council.

hundred rupees, or such higher amount not exceeding two thousand rupees as the Municipality with the sanction of [1][the [2][State] Government] may fix in this behalf, or]

[3][(*viA*) having a share or interest in the occasional letting out on hire to the Municipality or, in the hiring from the Municipality, of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the Municipality with the sanction of [1][the [2][State] Government] may fix in this behalf, or]

(*vii*) being a party to any agreement made with the Municipality under the provisions of [4][section 71] or of proviso (*a*) to sub-section (*1*) of section 156.

[5] * * * *

(*2*) If any councillor during the term for which he has been elected or appointed— Disabilities from continuing a councillor.

(*a*) becomes disqualified under sub-section (*1*), or

(*b*) acts as a councillor in any matter—

(*i*) in which he has directly, or indirectly, by himself or his partner, any such share or interest as is described in clause (*i*), (*ii*), (*iii*), (*vi*) or (*vii*) of the proviso to sub-section (*1*), or

(*ii*) in which he is professionally interested on behalf of a client, principal or other person, or

[6][(*bb*) is professionally interested or engaged in any case for or against the municipality, or]

(*c*) departs beyond the limits of the presidency with the declared or known intention of absenting himself continuously for a period exceeding six months, or

(*d*) [7]* * * * * * *

[8][(*e*) not being a president or vice-president or a salaried [9][servant of the [10][Government], absents himself during four successive months from the meetings of the Municipality, except with the leave of the municipality ;]

[11]* * * * * * * *

he shall [12][subject to the provisions of sub-section (*3*)] be disabled from continuing to be a councillor and his office shall become vacant.

[13][*Explanation.*—For the purposes of clause (*e*) of this sub-section when a councillor applies for leave of absence, leave of the municipality shall be presumed to have been granted, unless it is refused within a period of ninety days from the date of his application.]

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[1] The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

[2] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[3] These proviso were substituted for the original proviso by s. 5 (*2*) of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

[4] This word and these figures were substituted for the word and figures " section 73 " by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902).

[5] Sub-sections (*1A*) and (*1B*) were deleted, by Bom. 53 of 1954, s. 2.

[6] Clause (*bb*) was inserted by Bom. 52 of 1949 s. 3 (*3*) (*a*).

[7] Clause (*d*) was deleted *ibid*, s. 3 (*3*) (*b*).

[8] This clause was substituted for the orginal clause by section 5 (*3*) of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

[9] The words " servant of the Crown " and " servants of the Crown " were substituted for the words " servant of Government " and "servants of Government " respectively by the Adaptation of Indian Laws Order in Council.

[10] The word " Government " was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.

[11] Clause (*f*) was deleted by Bom. 35 of 1954, s. 3 (*2*).

[12] This portion was inserted by Bom. 8 of 1939, s. 2 (*a*) (*i*).

[13] This Explanation was added by Bom. 52 of 1949, s. 3 (*4*).

Powers of [1][State] Government and of the Commissioner to decide whether vacancy has occurred.

[2][(3) In every case, the authority competent to decide whether a vacancy has occurred under this section shall be the Collector. The Collector may give his decision either on an application made to him by any person or on his own motion. Until the Collector decides that the vacancy has arisen, the councillor shall not be disabled under sub-section (2) from continuing to be a councillor. [3][Any person aggrieved by the decision of the Collector may, within a period of fifteen days from the date of such decision, appeal] to the [4][State] Government in the case of city municipalities and to the Commissioner in other cases and the orders passed by the [1][State] Government or the Commissioner in such appeal shall be final:

Provided that no order shall be passed under this sub-section by the Collector against any councillor without giving him a reasonable opportunity of being heard.]

Resignation.

[4][**15A.** Any councillor may resign his office by giving notice in writing to that effect to the president, and the president may resign his office by giving notice in writing to that effect to the Commissioner.]

Liability to removal from office.

16. The [5][[1][State] Government] [6][in the case of City Municipalities, and the Commissioner in other cases,] if [7][it or he] thinks fit, on the recommendation of the Municipality, may remove any councillor elected or appointed under this Act, if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor.

Term of office.

[8][**17.** (*1*)] Councillors nominated or elected at a general election under this Act shall save as provided in the next following section, or unless they become in the meantime disabled, or are removed from office under section 16, or section 179, hold office for a term of [9][four] years, extensible by order of the Commissioner to a term not exceeding in the aggregate [10][five]* years if on any occasion, the Commissioner shall think fit, for reasons which shall be notified together with the order in the [11][*Official Gazette*], so to extend the same:

[12][Provided that before such order is made the Commissioner shall invite and consider objections, if any, from the voters entitled to vote at the municipal election in the municipal district concerned.]

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[1] The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[2] This sub-section was substituted for the original by Bom. 8 of 1939, s. 2 (*a*) (*ii*).

[3] These words were substituted for the words "An appeal shall be against every such decision of the Collector" by Bom. 52 of 1949, s. 3 (*5*).

[4] Section 15A was inserted by s. 6 of the Bombay District Municipal (Amendment) Act, 1914 (Bom. 8 of 1914).

[5] The words "Provincial Government" were substituted for the words "Government in Council" by the Adaptation of Indian Laws Order in Council.

[6] These words were inserted by Sch. I of the Bombay Decentalization Act, 1915 (Bom. 3 of 1915).

[7] The words "it or he" were substituted for the word "he" by the Adaptation of Indian Laws Order in Council.

[8] Section 17 was renumbered as section 17 (*1*) by Bom. 26 of 1930, s. 2 (*1*).

[9] This word was substituted for the word "three" by Bom. 35 of 1954, s. 4.

[10] This word was substituted for the word "four" *ibid.*

[11] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[12] This proviso was added by Bom. 26 of 1930, s. 2 (*1*).

*Section 3 of Bom. 17 of 1950 reads as follows :—

Temporary amendment of section 17 of Bom. III of 1901.

"3. During the period from the commencement of this Act to 31st March 1952, section 17 of the Bombay District Municipal Act, 1901, shall have effect as if for the words 'four years', the words 'five years' had been substituted." Bom. III of 1901.

[1][(2) (*a*) The term of office of such councillors shall be deemed to commence on the date of the first general meeting which shall be held after such election and after the expiry of the term of the outgoing councillors hereinbefore provided and at which a quorum shall be present ; and

(*b*) the term of office of the outgoing councillors shall be deemed to extend to and expire with the day before the date of such meeting.]

Casual vacancies how to be filled up.

[2][**18.** (*1*)] In the event of the death, resignation, disqualification, disability or removal of a councillor previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the councillor in whose place he is elected or appointed would have held it if the vacancy had not occurred.

[3][(2) A Councillor [4]* * * * * whose office has become vacant under sub-section (*2*) of [5]* * section 15 shall, if his disability has ceased, be eligible for re-election.]

Re-eligibility of councillors.

19. A person who has already been elected or appointed a councillor on one or more occasions shall, if otherwise duly qualified, be eligible at any time for re-election or re-appointment.

Publication of names of councillors in the *Official Gazette*.

20. The names of all councillors finally elected to any Municipality, as well as the names of the nominated councillors, if any, appointed thereto, shall be published, as soon as conveniently may be, in the [6][*Official Gazette*].

(*4*) *Municipal Elections.*

21. [*General disqualifications of voters*]. *Rep. by Bom. 17 of 1950, s. 2 (2).*

Determination of validity of elections.

22. (*1*) If the validity of any election of a councillor is brought in question by any person qualified either to be elected or to vote at the election to which such question refers, such person may, at any time within ten days after the date of the declaration of the result of the election, apply to the district Judge of the district within which the election has been or should have been held :

[7]* * * * * * * *

Powers of Judge holding inquiry.

(*2*) [8][An inquiry shall thereupon be held by a Judge, not below the grade of an Assistant Judge, appointed by the [9][[10][State] Government] either specially for the case or for such cases generally, and such Judge] may, after such inquiry as he deems necessary, and subject to the provisions of sub-section (*3*), pass an order confirming or amending the declared result of the election, or setting the election aside. For the purposes of the said inquiry the said Judge may summon and enforce the attendance of witnesses, and compel them to give evidence as if he

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[1] Sub-section (*2*) was inserted by Bom. 26 of 1930, s. 2 (*2*).
[2] Section 18 was renumbered as section 18 (*1*) by Bom. 52 of 1949, s. 4.
[3] Sub-section (*2*) was inserted, *ibid.*
[4] The words, brackets, figures and letter " whose seat has been deemed vacant under sub-section (*1A*) of section 15 or " were deleted by Bom. 53 of 1954, s. 3.
[5] The words " the said " were deleted, *ibid.*
[6] The words " *Official Gazette* " were substituted for the words " *Bombay Government Gazette* " by the Adaptation of Indian Laws Order in Council.
[7] Proviso was deleted by Bom. 17 of 1945, s. 9, read with Bom. 8 of 1950.
[8] These words were substituted for the words " The District Judge or such other Judge as may be appointed by the Government in Council on this behalf " by s. 5 (*2*) of the Bombay Municipal and Local Board (Amendment) Act, 1917 (Bom. 6 of 1917).
[9] The words " Provincial Government " were substituted for the words " Governor in Council by the Adaptation of Indian Laws Order in Council.
[10] The word " State " was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

were a Civil Court, and he may also direct by whom the whole or any part of the costs of any such inquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure. The decision or order shall be conclusive. If he sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh one.

[1][(*2A*) All applications received under sub-section (*1*)—

(*a*) in which the validity of the election of councillors elected to represent the same constituency is in question shall be heard by the same Judge ; and

(*b*) in which the validity of the election of the same councillor elected to represent the same constituency is in question shall be heard together.

Explanation.—For the purposes of this sub-section a constituency shall mean each ward or a public body or association constituted or entitled to elect councillors.]

[1][(*2B*) Notwithstanding anything contained in the Code of Civil Procedure, 1908, the Judge shall not permit (*a*) any application to be compromised or withdrawn or (*b*) any person to alter or amend any pleading, unless he is satisfied that such application for compromise or withdrawal or the application for such alteration or amendment is *bona fide* and not collusive.] V of 1908.

Declaration in case of corrupt practice by a candidate.

(*3*) (*a*) The Judge, if saisfied that a candidate has, within the meaning of sub-section (*4*), committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election, and of such fresh election as may be held under sub-section (*2*), and shall set aside the election of such candidate if he has been elected.

Scrutiny of votes and declaration in other cases.

(*b*) if in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour, to have been duly elected :

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person, known or unknown in giving or obtaining it :

[2][Provided further that after such computation, if any equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, one additional vote shall be added to the total number of valid votes found to have been recorded in favour of the candidate, or candidates, as the case may be, selected by lot drawn in the presence of the Judge in such manner as he may determine.]

What is a corrupt practice.

(*4*) A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub-section,

(*i*) who with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit or holds out any threat of injury, to any person, or,

(*ii*) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote [3][, or

(*iii*) who hires or procures, whether on payment or otherwise, any vehicle or vessel for the conveyance of any voter to. or from. any polling station :

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[1] Sub-sections (*2A*) and (*2B*) were inserted by Bom. 14 of 1996, s. 2 (*1*).

[2] This proviso was added by Bom 52 of 1949, s. 5.

[3] The word " or " and clause (*iii*) were inserted by Bom. 35 of 1954, s. 5.

[1][(*kk*) for securing an adequate supply of pure water to persons occupying residential premises ;]

(*l*) regulating the use of public bathing and washing places within municipal limits ; — regulating public baths, etc.,

(*m*) regulating sanitation and conservancy and the disposal of carcasses of dead animals ; — for conservancy.

(*n*) regulating the conditions on which permission may be given for the temporary occupation of, or the erection of temporary structures on, public streets or for projections over public streets and regulating the structure and dimensions of plinths, walls, foundations, roofs and chimneys of new buildings for the purpose of securing stability and the prevention of fires, and for purposes of health ; — regulating structures and buildings ;

(*o*) for preventing the erection of buildings without adequate provision being made for the laying out and location of streets ; — for providing for streets ;

(*p*) for ensuring the adequate ventilation of buildings by the provision and maintenance of sufficient open space either internal or external and of doors and windows and other means for securing a free circulation of air ; — for ensuring ventilation ;

[1][(*pp*) for requiring an owner of a building divided into two or more separate tenements to provide adequate means of lighting at night time a staircase, passage or private court of or in any such building or the spaces near or leading to latrines or urinals or washing places therein and of extinguishing such lights ; — for requiring lighting staircases, etc., at night.

(*q*) [3]* * * prescribing the qualifications of surveyors or persons by whom plans required under section 96 are to be prepared, or of plumbers ; for licensing persons to be surveyors or plumbers, and fixing the fees chargeable for such licences ; and for modifying the provisions of, or revoking such licences ; and prohibiting any alterations or repairs or fittings to water or drainage-pipes or house-connections being carried out or made, except by such persons ; — requiring qualified surveyors ; [2]* *

(*r*) regulating, in any other particular not specifically provided for in this Act, the construction, maintenance and control of drains, sewers, ventilation shafts, receptacles for dung and manure, cesspools, water closets, privies, latrines urinals, and drainage or sewerage works of every description whether the property of the Municipality or not ; — control of drains ;

(*s*) determining the information and plans to be required by the Municipality under sections 91 and 96 ; — requiring information and plans in certain cases ;

(*t*) prohibiting the transit of any vehicles of such form, construction, weight or size or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway, or to any construction thereon, or risk or obstruction to other vehicles or to pedestrians along or over any street, except under such conditions as to time, mode of traction of locomotion, use of appliances — for controlling unwieldy traffic, and

[1] Clause (*kk*) was inserted by Bom. 52 of 1949, s. 9 (*iii*).
[2] Clause (*pp*) was inserted by Bom. 53 of 1954, s. 4.
[3] The words " in a City Municipality " and the words " in City Municipalities " in the marginal note were deleted by Bom. 51 of 1949, s. 9 (*iv*).

for protection of the roadway, number of lights and assistants, and other general precautions as may be prescribed, either generally in such by-laws, or in special licences to be granted in each case upon such terms as to time of application and payment of fees therefor as may be prescribed in such by-laws :

Provided that no such by-law relating only to any particular street or portion of a street shall be deemed to be in force, unless and until notices of such prohibition shall have been posted up by the Municipality in conspicuous places at or near both ends of such street or portion of a street ;

[1][(*u*) prescribing the conditions on or subject to which licences may be granted refused, suspended or withdrawn, for the use of hand-carts and hand-barrows, other than those plying for hire in respect of which licences have been granted under the Bombay Public Conveyances Act, 1920, and providing for the seizure and detention of any hand-carts or hand-barrows which have not been duly licensed in pursuance of the by-laws made under this section ; Bom. VII of 1920.

(*v*) prescribing the conditions on or subject to which licences may be granted, refused, suspended or withdrawn for hawking or exposing for sale in any public place or street any article whatsoever whether it be for human consumption or not ;]

regulating municipal administration.

[1][(*w*) generally for the regulation of all matters relating to municipal administration.

Fine may be imposed for infringement of by-laws.

And every Municipality may, with the like sanction, prescribe a fine not exceeding five hundred rupees for the infringement of any such by-law.

[2][(*1a*) Every Municipality may, from time to time, with the previous sanction, in the case of city municipalities, of the Central Government, and in other cases, of the Commissioner, make, alter or rescind by-laws, but not so as to render them inconsistent with this Act, for the taking of a census within the municipal district and for enforcing the supply of such information as may be necessary to make the census effective.]

Publication of drafts of proposed by-laws.

(*2*) Every Municipality shall, before making any by-law under this section, publish in such manner as shall in their opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the proposed by-law, together with a notice specifying a date on or after which the draft will be taken into consideration, and shall, before making the by-law receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

Objections and suggestions to be submitted to Central Government [5][State] Government or Commissioner as the case may be.

(*3*) When any by-law made by a Municipality is submitted to the [3][Central Government], [4][5][State] Government] or Commissioner for sanction, a copy of the notice published as aforesaid, and of every objection or suggestion so made, shall be submitted for the information of the [3][Central Government], [4][5][State] Government] or Commissioner along with the said by-law.

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[1] Clauses (*u*) and (*v*) were inserted and the original clause (*u*) was renumbered as cl. (*w*) by Bom. 52 of 1949, s. 9 (*v*).

[2] Sub-section (*1a*) was inserted by the Adaptation of Indian Laws Order in Council.

[3] The words " Central Government " were inserted, *ibid.*

[4] The words " Provincial Government " were substituted for the words " Governor in Council ", *ibid.*

[5] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

Power of State Government to appoint person to prepare and authenticate list in case of default by municipality.

[1][67A. (*1*) Where in any year a new assessment list is prepared, or a list is revised, or the valuation and assessment contained in the list for the year immediately preceding is adopted with or without alteration, such new, revised or adopted assessment list shall be authenticated in the manner provided by section 65 at any time not later than the thirty-first day of July of the official year to which the list relates; and if it is not so authenticated, then the State Government shall appoint such person or persons as it thinks fit to prepare, revise or adopt and authenticate the assessment list, and thereupon such person or persons shall duly authenticate such list at any time not later than the last day of the official year to which such list relates and the provisions of sections 63 to 65 or section 67 shall, as far as may be, apply to the preparation, revision or adoption of the list, as the case may be, by the person or persons appointed by the State Government.

(*2*) Where the State Government appoints any person or persons for the purpose of preparing, revising or adopting and authenticating an assessment list under sub-section (*1*), the expenses incurred by such person or persons for such purpose and the reasonable remuneration payable to such person or persons shall be recovered by the State Government in the manner provided by section 178.]

Tax from whom primarily leviable.

68. Every tax imposed in the form of a rate on buildings or lands or on both, shall be leviable primarily from the actual occupier of the property upon which the said taxes are assessed, if he is the owner of the buildings or land or holds them or a building or other lease from the [2][Government] or from the Municipality, or on a building lease from any person. Otherwise the said tax shall be primarily leviable as follows, namely :—

(*a*) if the property is let, from the lessor;

(*b*) if the property is sublet, from the superior lessor;

(*c*) if the property is unlet, from the person in whom the right to let the same vests :

Recovery from occupiers.

Provided that on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the buildings or lands in respect of which it is due as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect for the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment-list, whichever of those two amounts is the greater :

[1] Section 67A was inserted by Bom. 53 of 1954, s. 5.
[2] This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.